Second Ministerial Council Report

on Implementation of the

Mobility Provisions

of the

Social Union Framework Agreement

in

Newfoundland and Labrador

October 2001

105-07032/

Introduction

The Social Union Framework Agreement, signed on February 4, 1999 by all First Ministers except the Premier of Quebec, committed governments to eliminate, within three years (i.e., by February 4, 2002), any residency-based policies or practices which constrain access to post-secondary education, training, health and social services and social assistance unless they can be demonstrated to be reasonable and consistent with the principles of the Social Union Framework. The Agreement's principles state:

All Canadians are equal

- Treat all Canadians with fairness and equity
- Promote equality of opportunity for all Canadians
- Respect the equality, rights and dignity of all Canadian women and men and their diverse needs

Meeting the needs of Canadians

- Ensure access for all Canadians, wherever they live or move in Canada, to essential social programs and services of reasonably comparable quality
- Provide appropriate assistance to those in need
- Respect the principles of medicare: comprehensiveness, universality, portability, public administration and accessibility
- Promote the full and active participation of all Canadians in Canada's social and economic life
- Work in partnership with individuals, families, communities, voluntary organizations, business and labour, and ensure appropriate opportunities for Canadians to have meaningful input into social policies and programs

Sustaining social programs and services

- Ensure adequate, affordable, stable and sustainable funding for social programs

Aboriginal peoples of Canada

- For greater certainty, nothing in this agreement abrogates or derogates from any Aboriginal, treaty or other rights of Aboriginal peoples including self-government

The Agreement also committed governments "to ensure, by July 1, 2001, full compliance with the mobility provisions of the *Agreement on Internal Trade* by all entities subject to those provisions,

including the requirements for mutual recognition of occupational qualifications and for eliminating residency requirements for access to employment opportunities."

The Agreement further committed governments to submit annual reports to the Ministerial Council on Social Policy Renewal identifying residency-based barriers to access and providing action plans to eliminate them. The first jurisdictional mobility reports were submitted to Ministerial Council in Spring 2000.

Residency-Based Policies and Practices

During 2000, the Government of Newfoundland and Labrador has assessed its social policies and practices related to post-secondary education, training, health and social services, and social assistance for their "reasonableness" and consistency with Social Union Framework Agreement principles. The analysis included both social policy departments and relevant agencies.

The results indicate that the Government of Newfoundland and Labrador has eliminated most residency-based requirements for the types of social programs referenced in the "Mobility Within Canada" section of the Social Union Framework Agreement. As examples, the Province no longer has residency-based requirements for income support programs, or for skills or apprenticeship training, and has eliminated residency requirements for social housing since the signing of the Agreement.

The Province has retained residency requirements for particular social policies and practices where such requirements are considered necessary to support important social policy objectives for both Newfoundland and Labrador and Canada, or where they are consistent with practices in other jurisdictions and the *Canada Health Act* . These policies are similar to those in other jurisdictions, are considered to be reasonable, and are consistent with the principles of the Social Union Framework Agreement. The specific residency-based social policies retained by this Province are outlined below.

Post-secondary Education

The Memorial University of Newfoundland (MUN) School of Medicine was established primarily to ensure the availability of an adequate supply of physicians for the Province. As is the case in a number of other jurisdictions, a decision was taken to reserve a number of seats at MUN's Medical School for residents of Newfoundland and Labrador. Under a bilateral agreement with the Government of New Brunswick, a specified number of seats are also allocated for residents of New Brunswick, with other seats designated for residents from other provinces. All students pay the same tuition fees.

The province has also entered into agreements with postsecondary institutions in Nova Scotia and Prince Edward Island to reserve and fund places for Newfoundland and Labrador students

wishing to train in other health related fields for which training programs are not offered in this province. Seat purchase arrangements are in place for Physiotherapy and Occupational Therapy at Dalhousie University for Newfoundland and Labrador residents. In addition, bursaries are offered to Newfoundland and Labrador residents studying physiotherapy, occupational therapy, speech language pathology and audiology at any Canadian university. For both programs, students have the option to repay the cost of the seat or practise, for a specified time period, within the province.

Under an existing arrangement with the Atlantic Veterinary College (AVC), this Province purchases eight seats per year for Newfoundland and Labrador residents wishing to pursue studies in Veterinary Science. Residency requirements are twelve consecutive months. Since the AVC is the only post-secondary institution in Atlantic Canada which trains veterinarians, it is generally regarded as a regional facility with each of the Atlantic Provinces contributing financially to the institution. Again, the objective of this arrangement is to ensure an adequate supply of veterinarians for our province.

The Province has also targeted programs to support female residents wishing to pursue post-secondary opportunities. The Women's Policy Office and the Department of Education, through the Canada-Newfoundland Offshore Skills Development Fund, have established a Petroleum Training Equity Grants Program. The program provides a limited number of grants of up to $3,000 per person to female residents of Newfoundland and Labrador who are enroled in petroleum related studies at the certificate or diploma level. Residency requirements are twelve consecutive months. This program promotes equality of opportunity for female residents in traditionally male dominated occupations, and helps ensure the availability of qualified workers for our petroleum industry.

Health and Social Services

Many of the provincial/territorial health care plans base program eligibility on residency status. The Government of Newfoundland and Labrador has established three plans for health care, namely, the Medical Care Plan, Surgical-Dental Plan, and Children's Dental Plan with program eligibility based on permanent resident status. To ensure that Canadians traveling between provinces and territories are never without coverage when moving to another jurisdiction, all provinces and territories, except Quebec, have reciprocal billing arrangements which provide "home" coverage during any waiting period imposed by the new province or territory.

In Newfoundland and Labrador, as in all other provinces and territories, residents and non-residents are treated differently with respect to the provision of air and road ambulance services. The Province provides two types of medical transportation services to residents. The Road Ambulance Program provides services for all persons requiring transport by road ambulance. Users are billed $75 by the ambulance operator with costs over this amount subsidized for residents by government; however non-residents are billed for additional costs (the amount of a subsidy plus an administration fee). The Air Ambulance Program is similar to the road ambulance program except that users are billed $80 by the operator. Non residents must also pay the actual cost of the flight and an

administration fee. Since there is no reciprocal billing arrangements between provinces and territories for medical transportation services, non-residents (requiring such services in any province) must pay for the services.

The Province also has a Non-Emergency Medical Transportation Assistance Program under the Newfoundland Hospital and Medical Care Program, with program eligibility based on resident status. The program is provincially based and similar programs, with similar eligibility criteria, exist in some other jurisdictions. This program provides 50% reimbursement of eligible costs over $500 in a 12 month period, to residents who travel by commercial air to access medically necessary services, either within or outside the Province, which are not available within their place of residence and/or within the province.

The Government of Newfoundland and Labrador has two residency-based programs intended to support and protect children. There is a six-month residency requirement to make an application to adopt a child resident in this Province. This allows time to assess applicants and is comparable to requirements in other jurisdictions. In addition, all provinces, except Quebec and Ontario, have signed an interprovincial protocol agreement, to allow the exited province to continue supporting a child whose foster family has moved, until the new province takes over responsibility - usually 90 days.

The provincial Drug Program for Low Income Seniors is accessible to seniors who are residents of this Province and who are in receipt of the federal guaranteed income supplement. The seniors are eligible as soon as their file is registered with the Newfoundland and Labrador Old Age Security Office. Only drugs prescribed and purchased in this province are eligible.

Labour Mobility

The Social Union Framework Agreement committed governments to implement the provisions of the mobility chapter (Chapter 7) of the Agreement on Internal Trade by July 1, 2001. The Government of Newfoundland and Labrador has taken steps to meet the labour mobility obligations of the Agreement. Based on the work of the Forum of Labour Market Ministers, the Province reviewed its legislation for self-regulated occupations and changed legislation respecting Pharmacists, Social Workers, Dieticians and Chiropractors.

The Province also identified the need to change regulations impacting a small number of occupations. These changes, which require only Ministerial approval, are expected to be concluded in a timely manner.

The Government of Newfoundland and Labrador is also participating actively in other processes intended to facilitate the mobility of workers. Within the Red Seal trades process, this Province accepts all certified workers, including those who have obtained only provincial

certification from an outside province, thereby ensuring that no mobility barriers exist. In addition, on April 24, 1998, this Province and the Province of Québec signed the Newfoundland and Labrador-Quebec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry to facilitate the mobility of construction workers between the two jurisdictions.

Conclusion

The Government of Newfoundland and Labrador has moved forward aggressively to meet its Social Union Framework Agreement mobility commitments. It has eliminated barriers which it does not deem to be reasonable and consistent with the principles of the Social Union Framework Agreement, and has not introduced new residency-based barriers for social programs. The Province has also taken steps, both through the Forum of Labour Market Ministers and other processes, to ensure compliance with the labour mobility provisions of the Agreement on Internal Trade.

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